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INTERNATIONAL CITY MANAGERS' ASSOCIATION
1313 EAST 60TH STREET - CHICAGO 37, ILLINOIS

This report was prepared in response to an inquiry from a municipality subscribing to this Service, and because of its general interest is distributed to all subscribers.

HOW TO IMPROVE HANDLING OF TRAFFIC VIOLATIONS

1. What per cent of all tickets issued for traffic violations are for Parking violations? For moving violations? Data for 30 municipalities (see table below) show a range from 3 per cent to 98 per cent for moving violations and an average of 35 per cent of total violations for all cities. Parking violations range from 2 to 97 per cent and average 65 per cent of total violations.

2. What per cent of moving and parking violations result in convictions? The table below shows a range from 49 per cent to 99 per cent for moving violations resulting in convictions, the average for the 30 cities being 80 per cent. The Safety Division of the International Association of the Chiefs of Police recommends that good enforcement requires a conviction rate of at least 90 per cent of the hazardous moving violations charged in order to maintain an effective enforcement level. The per cent of parking violations resulting in convictions in the 30 cities in the table below ranges from 5 to 100 per cent and averages 68 per cent of the total parking violations.

Information tabulated by the National Safety Council from reports of cities in the 1944 traffic safety contest showed that the median percentage of arrests for hazardous violations resulting in convictions ranged from 82 per cent in cities over 500,000 to 95 per cent in cities of from 10,000 to 25,000. The top 30 per cent of the cities did considerably better, with a range from 94 per cent to 99 per cent for the same population groups.

3. Who paroles or excuses the tickets which are not paid? This is a moot question and the answer is to be found partially in the location and direction of power politics. "Fixing" generally occurs in the following ways: (1) dismissal of charge by the police, (2) deletion or change in the records--particularly where a system of duplicate tickets only is used, (3) alteration of name, address, offense, etc., (4) continuances granted, (5) reduction of charges. Where fixing does occur its correction chiefly depends on pressure group activities in the particular community. Sometimes it is the police agency which is the principal violator, sometimes the prosecutor's office, sometimes the judicial branch. The imposition of small fines, discharge of the violator, granting of probation, and extension and the like, are also important elements in the fixing program. Therefore, the agency excusing tickets varies from community to community and from time to time and depends on the personalities in office and the nature of the force applied to them.

There is no such thing as "paroling" in traffic tickets. A parole board, and in some places a judge, may parole a defendant who has been sentenced for some offense, traffic or otherwise, by means of a bench parole. This may mean release from a fine or jail sentence or other penalty.

4. What controls do various cities use to eliminate fixing? An enlightened public opinion on the need of more effective enforcement of traffic laws is the first important requirement. Evils of the "fix" lie originally in the demand of certain segments of the populace for privileges. Partisan politics

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simply take advantage of the situation to better its vote getting power. One will find therefore a variety of methods employed in overcoming this difficulty.

One of the principal methods is resort to passage of a non-fix triplicate ticket system together with a published report of frequent public audits. A suggested model ordinance developed by the safety division of the IACP contains a clause regarding auditing procedure (copy of ordinance attached). More detailed information on the triplicate ticket system and sample forms used in such a system may be secured on request to MIS.

Other means employed to reduce the evils of fixing are: (1) An emphatic police program designed to make arrests and to issue tickets only when a definite and reasonable violation has occurred. This involves enforcement policies according to the spirit of the law rather than the letter of the law. When the public deems police action to be unreasonable, public demands for fixing are accentuated. (2) Refusal of a chief and his department to ~~obey~~ the dictates of unreasonable demands for fixing. (3) Police use of triplicate tickets to check on leakages. (4) Desire of a prosecutor to uphold reasonable police action. As a matter of fact, a weak prosecutor can go far to destroy the most honest and sincere efforts on the part of the police. (5) Judicial confirmation of reasonable police action. When judges permit unwarranted continuances and impose penalties not in accordance with the nature of the offense, the entire import of the process is wrecked. Thus the degree and kind of control depend largely on the personalities and desires of police, prosecutor and judge, and these in turn can be influenced, if not compelled, by the public attitude.

5. What cities use an audit system of ticket accounting through or in connection with the finance department? A complete list of cities which use the triplicate ticket system and public audit is not available but among such cities are: San Francisco, Los Angeles, Oakland, Milwaukee, Seattle, Portland, Lansing, Detroit, Baltimore, Spokane, Pittsburgh, Syracuse, St. Paul, Des Plaines and Evanston (Illinois). This system on the whole has proved successful, but the mere establishment of an audit system does not in itself guarantee results. The triplicate system, however, makes the handling of traffic cases open and above board and discourages attempts at fixing.

6. What procedures have been found to be most successful in improving the handling of traffic violations? The chief administrator, traffic engineer, and police chief should strive for balanced enforcement to secure the utmost in traffic accident prevention. To maintain a balance of enforcement of traffic regulations the National Safety Council, on the basis of a study of information reported by cities which entered the 1944 National Traffic Safety Contest, has suggested that the average city of more than 25,000 population should attempt to come up to the following standards which were published in the July, 1945, issue of Public Safety magazine:

1. Have at least 25 full-time traffic officers per 100,000 population.
2. Have other uniformed officers devoting sufficient time to traffic to be the equivalent of 18 more, full-time traffic men per 100,000 population.
3. Provide at least 60 hours of traffic training for each new police officer and at least 40 hours of traffic training a year for men in service.

4. Have at least 15 patrol cars and 12 motorcycles or the equivalent per 100,000 population.

5. Have (for each 100,000 population) at least six men, all trained in scientific accident investigation and assigned to the investigation of accidents as their first duty.

6. Make at least 80 accident investigations per traffic death.

7. Have at least 50 per cent of the accident investigations result in the conviction of at least one of the participants for a hazardous traffic violation.

8. Have at least 98 per cent of prosecutions in accident cases based on complaints signed by the investigating officers.

9. Have convictions in 95 per cent of cases where the arrests were made for hazardous traffic violations.

10. Have all non-traffic officers instructed to take action on all moving traffic violations which they observe.

11. Use chemical test to determine intoxication in driving cases.

12. Have a court which devotes full-time to traffic cases, if the city's population exceeds 250,000, or have special sessions of regular court to be devoted to traffic cases if its population is less than 250,000.

13. Have a traffic violations bureau to handle at least 98 per cent of all parking cases, and not more than 35 per cent of traffic violations other than parking.

A copy of typical regulations issued by a city on the issuance and handling of traffic violation notices and warning tickets may be secured by officials of subscribing cities upon request to MIS. The most significant study made with reference to the several phases of traffic control is a book by George Warren, entitled Traffic Courts, published in 1942. Many other books and pamphlets on the traffic problem have been issued by the National Safety Council, by the Northwestern University Traffic Institute, and by other organizations. Much of this material may be secured on loan from MIS. On request MIS will supply lists of the best and most recent publications on this problem.

(NOTE: This report has been prepared with the advice and assistance of Robert E. Raleigh, associate director, Safety Division of the International Association of Chiefs of Police, and George E. Miller, assistant director, Traffic and Transportation Division, National Safety Council).

Arrest and Conviction Records of 30 Cities, Five Selected at Random from Each of the Six Population Groups, Which Submitted Reports in 1944 National Traffic Safety Contest. Data Are for Year 1944.

City No.	Total No.	Total Violations		Per Cent of Total Moving Violations Re- sulting in Convictions	Per Cent of Total Parking Violations Re- sulting in Convictions
		Per Cent Moving Violations	Per Cent Parking Violations		
GROUP I (Over 500,000)					
1	114,690	31%	69%	70%	96%
2	21,785	94	6	86	87
3	192,254	67	33	78	86
4	171,125	12	88	96	64
5	111,932	41	59	64	59
GROUP II (250,000 to 500,000)					
1	10,169	15	85	49	100
2	58,471	33	67	93	93
3	46,798	10	90	96	63
4	78,452	40	60	86	50
5	82,431	19	81	97	35
GROUP III (100,000 to 250,000)					
1	5,926	98	2	80	82
2	13,163	10	90	95	100
3	26,772	10	90	99	84
4	3,693	18	82	80	100
5	8,357	6	94	94	99
GROUP IV (50,000 to 100,000)					
1	3,555	53	47	98	77
2	15,821	12	88	51	5
3	10,192	15	85	85	48
4	23,488	32	68	91	53
5	563	48	52	91	99
GROUP V (25,000 to 50,000)					
1	273	97	3	76	37
2	4,839	25	75	97	49
3	2,123	25	75	93	76
4	1,908	12	88	94	92
5	1,530	29	71	91	93
GROUP VI (10,000 to 25,000)					
1	161	32	68	88	97
2	78	27	73	71	79
3	260	48	52	74	65
4	768	3	97	95	49
5	218	83	17	99	90

INTERNATIONAL CITY MANAGERS' ASSOCIATION

Supplement to:

MIS Report No. 15

April, 1946

Prescribing the Method of Procedure in Dealing With Traffic Citations and Prescribing a Penalty for the Unauthorized Attempted Cancellation Thereof. (Suggested model ordinance prepared by Safety Division of International Association of Chiefs of Police.)

Be it ordained by the People of the City and County of _____ as follows:

Section 1. FORM AND RECORD OF TRAFFIC CITATIONS. Traffic citations shall be issued in books and in the form prescribed by the Chief of Police and the Controller and in accordance with the Vehicle Code of the State of _____. The Chief of Police (or the Controller) shall maintain a record of the issuance of such books and of the individual citations issued therefrom. It shall be the duty of the Chief of Police to furnish a copy of such records to the Controller not later than the tenth day of the month following such issuance.

Section 2. DISPOSITION OF TRAFFIC CITATIONS. Upon the issuance of such citation to an alleged violator of any provision of the Vehicle Code of the State of _____ or of the Traffic Code of the City and County of _____, it may be disposed of only as follows:

(a) In cases where the alleged violator is directed to appear at the Traffic Fines Bureau, by payment of the fine provided (or posting bail if necessary under the law) with the Clerk of the Municipal Court in charge thereof, in an amount fixed by the Judge of the Municipal Court assigned to hear traffic offenses: or

(b) By the Judge of the Municipal Court assigned to hear traffic offenses, with such case being duly entered upon the official calendar or docket of such court.

Section 3. PROCEDURE WHERE PERSON IS CITED TO APPEAR AT TRAFFIC FINES BUREAU. Whenever any person is given a traffic citation, directing him to appear at the Traffic Fines Bureau he shall so appear at the time designated thereon. Upon such appearance he may pay the fine and waive appearance in court by the payment of such fine, or he may deny his guilt and the necessity for paying such fine. In the latter event, the clerk in charge of said Bureau shall provide for the court appearance of such person, pursuant to the provisions of the next section.

Section 4. PROCEDURE WHERE PERSON DEMANDS COURT HEARING. Whenever any person demands a court hearing on a Traffic citation, as provided in Section 3 hereof, the clerk in charge of the Traffic Fines Bureau shall prepare and give to such person a written notice to appear in the department of the Municipal Court assigned to hear such matters. Said notice shall contain the name and address of such person, the license number, if any, of his vehicle, the offense charged, and the time and place where such person shall appear in court. The time to appear, as specified in said notice, must be at least five (5) days after such appearance at the Traffic Fines Bureau, unless an early hearing is agreed to by the person so notified.

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The Traffic Fines Bureau shall maintain a complete record of all such notices issued, and the clerk in charge thereof shall furnish a daily record of such notices to the department of the Municipal Court assigned to hear such matters.

The clerk in charge of the Traffic Fines Bureau shall also furnish a complete and itemized monthly record of such notices, and of all cases in which the fine has been paid, to the Controller not later than the tenth day of the month following that month to which such record relates.

Section 5. Any person wilfully failing to appear in court in compliance with the written notice provided in Section 4 is guilty of a misdemeanor regardless of the disposition of the charge upon which he was originally cited.

Section 6. RECORD AND DISPOSITION OF TRAFFIC CITATIONS. It shall be the duty of the Controller to maintain a record of the issuance of all traffic citations and a record of the disposition of all such citations issued, whether by the Traffic Fines Bureau or by the Court.

For the purpose of this record, it shall be the duty of the Clerk of the Municipal court, designated by the Judge presiding in the department assigned to hear such matters, to furnish to the Controller an account of the final disposition of any case within forty-eight (48) hours after the disposition thereof.

Section 7. PUBLICATION OF SUMMARY OF ISSUANCE AND DISPOSITION OF TRAFFIC CITATIONS. It shall be the duty of the Controller to publish, or cause to be published, a monthly summary in at least one (1) daily newspaper, of general circulation, of all citations issued and the disposition of each.

Section 8. ILLEGAL ATTEMPT TO CANCEL TRAFFIC CITATIONS A MISDEMEANOR. Any person who cancels or solicits the cancellation of any traffic citation, in any manner other than as provided above, shall be guilty of a misdemeanor.

Section 9. SAVING SECTION. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance, and each section, subsection, subdivision, paragraph, sentence, clause and phrase thereof, irrespective of the fact that any one or more of the other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid.